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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Replacement of Part 90 by
Part 88 to Revise the
Private Land Mobile Radio
Services and Modify the
Policies Governing Them

) DOCKET FILE COPY ORIGINAL

) PR Docket No. 92-235

TO: Chief, Private Radio Bureau

MOTION FOR EXTENSION OF TIME

Pursuant to Section 1.46 of the Commission's rules, the Land Mobile Communications Council (LMCC) respectfully requests an extension of the Comment period on the Notice of Proposed Rule Making, 7 FCC Rcd 8105 (1992) (NPRM) in the above-captioned proceeding, in order to facilitate the filing of an industry consensus position and the solicitation of public comment on that consensus position. In support of this request, the following is respectfully submitted.

LMCC is a non-profit association of organizations representing users of land mobile radio and providers of land mobile services and equipment. LMCC is dedicated to securing and maintaining sufficient allocations of radio frequencies for the land mobile radio services in order to meet the immediate and long-term requirements of all land mobile radio users. In this capacity, LMCC acts on behalf

of the vast majority of public safety, business, industrial, private, common carrier, and land transportation radio users, as well as a diversity of land mobile service providers and equipment manufacturers.^{1/}

LMCC fully participated in the Commission's earlier Inquiry into the "refarming" of the private land mobile frequency bands below 512 MHz, PR Docket No. 91-170. LMCC's Comments and Reply Comments described a plan for graceful migration to more efficient technologies. LMCC intends to be an active participant in the present rulemaking proceeding, and has reached preliminary

^{1/} LMCC's membership includes:

American Association of State Highway and
Transportation Officials
American Automobile Association
American Mobile Telecommunications Association
American Petroleum Institute
American Trucking Associations, Inc.
Association of American Railroads
Associated Public Safety Communications Officers,
Inc.
Cellular Telecommunications Industry Association
Forest Industries Telecommunications
Forestry-Conservation Communications Association
Industrial Telecommunications Association
International Association of Fire Chiefs
International Association of Fish and Wildlife
Agencies
International Taxicab and Livery Association
Manufacturers Radio Frequency Advisory Committee
National Association of Business and Educational
Radio, Inc.
National Association of State Foresters
Telecommunications Industry Association
Telocator
Utilities Telecommunications Council

consensus on many of the important issues raised in this NPRM.

LMCC supports the Commission's overall goal to promote the more efficient use of the spectrum below 512 MHz and to encourage the implementation of technologically-advanced equipment in these bands. On the other hand, LMCC questions whether the specific proposals set forth in the NPRM provide an adequate transition period for existing users to migrate to the narrowband technologies or whether the proposed channelizations for the various bands provide sufficient flexibility to implement many of the spectrum-efficient technologies that are being developed. Many of LMCC's members are also concerned with the proposed limitations on effective radiated power. In response to these concerns, LMCC is developing an alternative transition plan intended to achieve the Commission's goal of greatly increasing the efficiency or capacity of land mobile radio systems within the next 20 years, but at a cost to users commensurate with the anticipated benefits.

LMCC is optimistic that full industry consensus can be achieved on these and other issues. LMCC's members are committed to developing a consensus position that will permit the Commission to promptly begin the transition to more efficient technologies with the least amount of

disruption to or economic impact on incumbent operations. LMCC's members have every incentive to expedite a careful decision in this proceeding since it is almost universally agreed that additional measures must be taken to ease congestion in the private land mobile frequency bands.

As an organization representing the collective voice of the vast majority of private land mobile radio users, LMCC is well-positioned to develop an industry consensus on many of the issues raised in this proceeding. However, the sheer size of the NPRM (422 pages) and the complexity of the issues raised have made it difficult for LMCC's members to develop their own positions within the current Comment period, let alone work under the auspices of LMCC to develop an industry consensus.

In other complex proceedings, the Commission has encouraged the formation of consensus positions. For example, very recently the Commission granted additional time for the Telecommunications Industry Association (TIA) to develop an industry consensus on rechannelization of the fixed microwave bands above 3 GHz, and subsequently granted additional time for all parties to review and comment on

the TIA consensus position.^{2/} Additional time was granted in order to allow the parties an "additional opportunity to reach a consensus on the complex proposals" thereby resulting in "an improved record being submitted to the Commission."

Development of a consensus position would also serve the public interest in this proceeding. The Commission has proposed a major restructuring of the private land mobile rules -- in fact, a complete re-write of those rules -- which will potentially affect millions of radio licensees and users. The Commission itself estimates the proposed rules will cost the public approximately 500 million dollars in new equipment purchases.^{3/} While certain of LMCC's members question whether this cost estimate includes all costs associated with the proposed rules, it is unquestionable that proposed Part 88 will have tremendous effect on the private land mobile radio operations of entities in virtually every segment of the American economy.

^{2/} See Order Extending Time for Comments and Reply Comments in ET Docket No. 92-9, DA 92-1599, released November 24, 1992, and Order Extending Time for Reply Comments, ET Docket No. 92-9, DA 93-5, released January 7, 1993.

^{3/} NPRM, Appendix B.

Although LMCC has reached preliminary consensus on many of the issues in this docket, it will not be possible for the member organizations within LMCC to finalize a consensus position by the current February 26, 1993, comment deadline. Also, since it appears likely that the details of the LMCC consensus position will differ from the details of the Commission's current proposal, LMCC respectfully suggests that the Commission should actively solicit public comment on the LMCC position once it is filed. In this way, LMCC will have an opportunity to refine its proposal or otherwise respond to commenters in LMCC's Reply Comments, thus affording the Commission with the best possible record on which to make a decision.

Accordingly, LMCC respectfully requests an extension of approximately 90 days, to May 28, 1993, for the filing of Comments in this proceeding, with the understanding that LMCC will file by April 28, 1993, its Comments representing the consensus position of the private land mobile radio community. This will allow the Commission to give public notice of LMCC's early-filed comments, and thereby afford other interested parties an opportunity to address in their

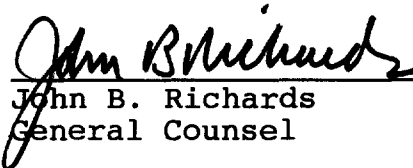
comments both the proposals raised in the NPRM and the consensus positions advanced by LMCC.^{4/}

WHEREFORE, THE PREMISES CONSIDERED, the Land Mobile Communications Council respectfully requests that the deadline for filing Comments in this docket be extended to May 28, 1993.

Respectfully submitted,

LAND MOBILE COMMUNICATIONS
COUNCIL

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^{4/} While LMCC is not proposing the use of "negotiated rulemaking," per se, extension of the comment period as suggested herein will afford the Commission many of the benefits of negotiated rulemaking.